

May 23, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LUIS F.,

No. 1:18-CV-3168-JTR

v.

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 17. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Daphne Banay represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 17**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a *de novo* hearing, further develop the record as necessary, and issue a new decision. The ALJ shall: (1) further evaluate the severity of Plaintiff's medically determinable attention deficit hyperactivity disorder and learning disorder; (2) further evaluate whether

1 Plaintiff meets or equals a listing; (3) further evaluate the opinion evidence,
2 including the opinions of Dr. Lewis (Tr. 55-57), Dr. Marks (Tr. 237-241), and Dr.
3 Cooper (Tr. 242-249); (4) further evaluate Plaintiff's subjective complaints;
4 (5) further consider Plaintiff's residual functional capacity; and (6) further evaluate
5 whether Plaintiff can do his past work or other work with the assistance of a
6 vocational expert. Plaintiff may present additional testimony and submit additional
7 evidence.

8 2. **Judgment shall be entered for PLAINTIFF.**

9 3. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is
10 **STRICKEN AS MOOT.**

11 4. An application for attorney fees and costs may be filed by separate
12 motion.

13 The District Court Executive is directed to enter this Order, forward copies
14 to counsel, and **CLOSE THE FILE.**

15 DATED May 23, 2019.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE